

10-14-05

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App. No. 10/802,139  
Information Disclosure Statement  
Dated October 12, 2005

Attorney Docket No. 04176/LH

**IN THE UNITED STATES PATENT  
AND TRADEMARK OFFICE**

Applicant : Kazuhiko OMOTE  
Serial No. : 10/802,139  
Filed : March 17, 2004  
For : X-RAY DIFFRACTION APPARATUS  
Art Unit : 2882  
Examiner : Krystyna Suchecki  
Confirm. No.: 3276  
Customer No.: 01933

**INFORMATION DISCLOSURE STATEMENT  
AND  
STATEMENTS UNDER 37 CFR 1.97(E)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

S I R :

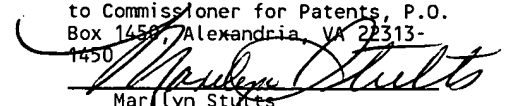
Submitted herewith are:

- (1) Copy of a European Office Action dated July 26, 2005  
issued from the European Patent Office in a counterpart  
European application;
- (2) Copies of the cited publications not already submitted  
to the U.S. Patent Office;
- (4) Form PTO/SB/08B. It is requested that an initialed  
copy of the form PTO/SB/08B be returned to indicate

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Marilyn Stults

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that the publications listed therein have been considered and made of record.

Each of the cited publications is considered relevant or material to the patentability of the present invention in view of the citation thereof in said communication and for the reasons stated in said communication. Although fourteen publications are cited in the European Office Action, twelve were already submitted to the U.S. Patent Office on September 14, 2004. Copies of the two newly cited publications are enclosed.

The European Patent Office Action is in English, thereby satisfying the requirements for a concise explanation of relevance. Each of the enclosed cited publications is also in English.

**STATEMENT UNDER 37 CFR 1.97(e)(1)**

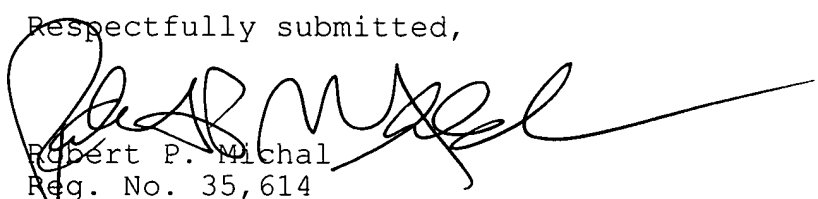
Each item of information contained in this Information Disclosure Statement was first cited in an Official Action from the European Patent Office in a counterpart European application not more than three months prior to the filing of the present Information Disclosure Statement. Said Official Action bears a mailing date of July 26, 2005.

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It is respectfully requested that the attached publications be considered and made of record.

It is respectfully believed that no fees are due. However, if any fees are due, authorization is given to charge any fees which may be required to Deposit Account No. 06-1378.

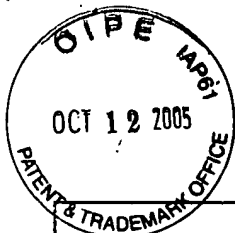
Respectfully submitted,



Robert P. Michal  
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Dated: October 12, 2005

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Substitute for Form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Application Number 10/802,139

Filing Date March 17, 2004

First Named Inventor Kazuhiko OMOTE

Group Art Unit 2882

Examiner Name Krystyna Suchecki

Sheet

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of

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Attorney Docket Number 04176/RPM

**OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of author (in CAPITAL LETTERS), title of article, title of item, date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
		<p>R. Baudoing-Savois, et al., "A new UHV diffractometer for surface structure and real time molecular beam deposition studies with synchrotron radiations at ESRF," Nuclear Instruments and Methods in Physics Research B 149 (1999), pp. 213-227</p> <p>H. Oyangi, et al., "A new apparatus for surface x-ray absorption and diffraction studies using synchrotron radiation," Review of Scientific Instrument 66, December, 1995, Woodbury, New York, U.S.A., pp. 5477-5485</p>	
Examiner Signature		Date Considered	

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\* Unique citation designation number. \* Place a check here if English translation is attached.

DATE MAILED: October 12, 2005